

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CR 23-34 JW8/DJF

UNITED STATES OF AMERICA,

INDICTMENT

Plaintiff,

21 U.S.C. § 841(a)(1)

v.

21 U.S.C. § 841(b)(1)(B)

18 U.S.C. § 922(g)(1)

DASAVIOR MALIK SCALES,

18 U.S.C. § 922(o)

18 U.S.C. § 924(a)(2)

Defendant.

18 U.S.C. § 924(c)(1)(A)

THE UNITED STATES GRAND JURY CHARGES THAT:

COUNT ONE

(Unlawful Possession of a Machine Gun)

On or about March 1, 2022, in the State and District of Minnesota, the
defendant,

DASAVIOR MALIK SCALES,

did knowingly possess a machine gun, namely a Polymer80 semi-automatic pistol, with no serial number, with an extended magazine and equipped with an attached conversion device, commonly known as a “switch” or “auto sear,” enabling it to be fired as a fully automatic weapon by a single function of the trigger, knowing it had characteristics that made it a machine gun as defined by Title 26, United States Code, Section 5845(b), all in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).



COUNT TWO
(Felon in Possession of Ammunition)

On or about March 1, 2022, in the State and District of Minnesota, the
defendant,

DASAVIOR MALIK SCALES,

having previously been convicted of the following crimes, each of which was
punishable by imprisonment for a term exceeding one year:

Offense	Place of Conviction	Date of Conviction (On or About)
Unlawful possession of a firearm	Hennepin County, MN	February 24, 2017
Unlawful possession of a firearm	Ramsey County, MN	July 13, 2018

and knowing that he had been convicted of at least one crime punishable by
imprisonment for a term exceeding one year, knowingly possessed, in and
affecting interstate commerce, ammunition, that is, thirty-two rounds of SIG
9mm ammunition, all in violation of Title 18, United States Code, Sections
922(g)(1) and 924(a)(2).

COUNT THREE
(Possession with Intent To Distribute a Controlled Substance)

On or about March 1, 2022, in the State and District of Minnesota, the
defendant,

DASAVIOR MALIK SCALES,

did knowingly and intentionally possess with intent to distribute 40 grams or more of a mixture and substance containing a detectable amount of fentanyl, also known by the chemical name N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] propenamide, a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT FOUR

(Carrying a Firearm During and in Relation to a Drug Trafficking Crime)

On or about March 1, 2022, in the State and District of Minnesota, the defendant,

DASAVIOR MALIK SCALES,

did knowingly use and carry a firearm, that is, a Polymer80 semi-automatic pistol, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, possession with intent to distribute a substance containing a detectable amount of fentanyl, as charged in Count Three of this Indictment, all in violation of Title 18, United States Code, Section 924(c)(1)(A).

FORFEITURE ALLEGATIONS

If convicted, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), any and all firearms, ammunition, and accessories involved in or used in connection with the crime of conviction, including, but not limited to a Polymer80 semi-automatic pistol, with no serial number, with an extended magazine and equipped with an attached conversion device, commonly known as a “switch” or “auto sear,” and any ammunitions seized therewith, including the thirty-two rounds of 9mm ammunition.

If convicted of Count 3 of this Indictment, the defendant shall forfeit to the United States pursuant to Title 21, United States Code, Section 853(a)(1) and (2), any and all property constituting, or derived from, any proceeds the defendant obtained directly or indirectly as a result of said violations, and any and all property used, or intended to be used, in any manner or part to commit or to facilitate the commission of said violations. The property subject to forfeiture includes, but is not limited to the \$14,800 in United States currency seized on March 2, 2022.

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If any of the above-described forfeitable property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as provided for in Title 21, United States Code, Section 853(p).

A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON